

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CARLSON ENVIRONMENTAL ) Civil Action No.: 3:17-cv-149  
CONSULTANTS, PC, )  
v. )  
SEAN SLAYTON, )  
Defendant. )  
\_\_\_\_\_  
)

**ORDER GRANTING DEFENDANT'S VOLUNTARY MOTION TO DISMISS APPEAL**  
**PURSUANT TO RULE 42(a)**

This cause having come before the Court on Defendant's Voluntary Motion to Dismiss Appeal pursuant to Rule 42(a) of the Rules of Appellate Procedure (Doc. No. 41). Plaintiff does not object to Defendant's Motion. Upon review of the motion and applicable law relied on by Defendant as the moving party here, the Court presumes the conditions of Fed. R. App. P. 42(a) – the basis on which Defendant's motion is filed – are satisfied, specifically that Defendant's appeal has not yet been docketed by the circuit court. Accordingly, it is hereby ORDERED as follows:

Defendant's Motion to Dismiss Appeal Pursuant to Rule 42(a) of the Federal Rules of Appellate Procedure (Doc. No. 41) is GRANTED. Defendant's appeal, filed on October 19, 2017, is dismissed pursuant to Rule 42(a) of the Rules of Appellate Procedure.

IT IS SO ORDERED.

Signed: November 14, 2017

  
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Frank D. Whitney  
Chief United States District Judge  
